

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

| | | |
|------------------------|---|------------------|
| YVONNE L. TINES JONES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | Civil Action No. |
| NORMAN Y. MINETA, |) | 05-10082-EFH |
| Secretary, |) | |
| U.S. DEPARTMENT OF |) | |
| TRANSPORTATION, |) | |
| |) | |
| Defendant. |) | |
| |) | |

THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

The defendant, Norman Y. Mineta, Secretary of the Department of Transportation (the “DOT”), by and through his attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, herein moves this Court to grant his Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56(b) and © . For the reasons set forth in the defendant’s attached Memorandum of Law with supporting Exhibits and Local Rule 56.1 Undisputed Material Facts, the defendant is entitled to judgment in his favor.

The plaintiff, Yvonne Tines Jones (“Tines Jones”), in Count I (Race, Color and National Origin) failed to exhaust her administrative remedies, failed to allege an adverse employment action, and the defendant provided legitimate non-discriminatory reasons for his actions. In Count III (Retaliation) Tines Jones again failed to exhaust her administrative remedies regarding the interim settlement agreement, cannot show a causal connection between her EEO complaints and the alleged retaliatory acts, and failed to establish a prima facie case for retaliation when a posted position for Personnel Management Specialist was cancelled. Finally, Tines Jones failed to show how her anxiety and stress substantially limited a major life activity and thus was not an

otherwise qualified individual under the Rehabilitation Act.

WHEREFORE, based on the arguments and authorities in the attached Memorandum of Law with Supporting Exhibits, the defendant moves this Court to grant his Motion for Summary Judgment.

Respectfully submitted,

NORMAN Y. MINETA,
SECRETARY OF THE DEPARTMENT
OF TRANSPORTATION,

By his attorneys,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney
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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 1, 2008.

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney

LOCAL RULE 7.1 CERTIFICATION

I, Rayford A. Farquhar, Assistant United States Attorney, herein certify that on diverse

dates I discussed the filing of this Motion with Attorney Mitchell J. Notis and we could not reach an agreement regarding the issues raised in this Motion.

/s/ Rayford A. Farquhar

Rayford A. Farquhar

Assistant U.S. Attorney